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5 Attorneys for Plaintiff
CRAIG YATES, an individual

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA

9 CRAIG YATES, an individual,
10 Plaintiff,

11 v

12 MARNEE THAI RESTAURANT, a.k.a.,
13 BETTY CHERIN, an individual,
14 Defendant.

CASE NO. CV-09-4193-TEH

STIPULATION OF DISMISSAL AND
~~PROPOSED~~ ORDER THEREON

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17 The parties, by and through their respective counsel, stipulate to dismissal of this action in
18 its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the
19 Settlement Agreement and General Release ("Agreement") herein, each party is to bear its own
20 costs and attorneys' fees. The parties further consent to and request that the Court retain
21 jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S.
22 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement
23 agreements).

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STIPULATION OF DISMISSAL AND ~~PROPOSED~~ ORDER THEREON YATES V. MARNEE THAI

CV-09-4193-TEH

1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through
2 their designated counsel that the above-captioned action be and hereby is dismissed with prejudice
3 pursuant to Federal Rules of Civil Procedure section 41(a)(1).

4 This stipulation may be executed in counterparts, all of which together shall constitute one
5 original document.

6 Respectfully submitted,

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8 Dated: May 28, 2010

THOMAS E. FRANKOVICH, Esq.

A PROFESSIONAL LAW CORPORATION

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11 By: /s/Thomas E. Frankovich

12 Thomas E. Frankovich
13 Attorneys for Plaintiff CRAIG YATES, an
14 individual

15 Dated: June 3, 2010

Haight Brown & Bonesteel LLP,

16
17 By: Nairi Paterson
18 Nairi Paterson, Esq.

19 Attorneys for Defendant ~~MARNEE THAI~~
20 ~~ROBERTA THAI~~, BETTY CHERIN, an
21 individual

ORDER

22 **IT IS HEREBY ORDERED**, that this matter is dismissed with prejudice pursuant to
23 Fed.R.Civ.P.41(a)(1). **IT IS FURTHER ORDERED** that the Court shall retain jurisdiction for the
24 purpose of enforcing the parties' Settlement Agreement and General Release should such
25 enforcement be necessary.

26 DATED: 06/07, 2010

/s/

27 Honorable Senior Judge Thelton E. Henderson
28 United States District Judge